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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,675	01/14/2004	Gregory R. Hauler	LAC03 P327	8058

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EXAMINER

JULES, FRANTZ F

ART UNIT PAPER NUMBER

3617

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,675	Applicant(s) HAULER, GREGORY R.	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
4a) Of the above claim(s) 2-7 and 10-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-43 is/are allowed.
- 6) ☒ Claim(s) 1, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/14/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Figs. 9-11, claims 1, 8-9, 17-43 in the reply filed on 03/07/2005 is acknowledged.
2. Claims 2-7, 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03/07/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Spisak (US 4,357,053).

Spisak discloses a wheel cover assembly comprising a cover member (32) having an inner surface, an outer surface, a body portion, and a skirt (35) portion extending inwardly from and circumferentially about the body portion, and at least one retention clip (36) operably coupled with the cover member and having a leg portion (40) and an engagement portion (48) extending outwardly from the leg portion, wherein the leg portion abuts the inner surface of the skirt portion along a length of the leg portion, and wherein the engagement portion is adapted to abut a lug nut of a wheel assembly, thereby releasably coupling the wheel cover assembly with the wheel assembly.

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The cover member is configured such that each lug nut (20) of the wheel assembly is exposed when cover member is coupled with the wheel assembly in accordance with claim 8.

The at least one retention clip includes a plurality of spaced apart retention clips spaced circumferentially about the cover member as shown in figs. 2-3 in accordance with claim 9.

5. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al (US 5,297,854).

Nielsen et al disclose in figs. 10-11 a wheel cover assembly comprising a cover member (10A) having an inner surface, an outer surface, a body portion, and a skirt (60A) portion extending inwardly from and circumferentially about the body portion, and at least one retention clip (90A) operably coupled with the cover member and having a leg portion (40) and an engagement portion which cooperate with portion (40A) of the nut extending outwardly from the leg portion, wherein the leg portion abuts the inner surface of the skirt portion along a length of the leg portion, and wherein the engagement portion is adapted to abut a lug nut (20A) of a wheel assembly, thereby releasably coupling the wheel cover assembly with the wheel assembly.

The cover member is configured such that each lug nut (20A) of the wheel assembly is exposed when cover member is coupled with the wheel assembly in accordance with claim 9.

Allowable Subject Matter

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6. Claims 17-43 stand allowable. None of the references of record suggests a wheel cover assembly wherein at least one boss extends inwardly from the inner surface of the cover member, which is configured such that lugs of an associated vehicle wheel assembly remain exposed when the cover member is coupled with the vehicle assembly in the manner defined in the instant claims 17 and 30. Therefore, claims 18-29, 31-43, depending therefrom, are considered to be allowable.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Russel is cited to show related wheel cover assembly comprising a retention clip .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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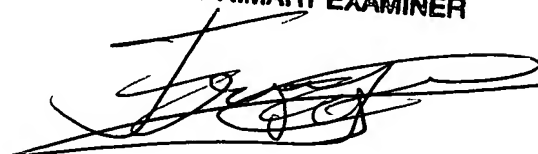
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

April 20, 2005

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over a horizontal line.